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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

January 16, 2003

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

**Re: In re Applications of WorldCom, Inc. for Consent to Assign Licenses  
WorldCom Opposition to UCC's Petition for Partial Reconsideration  
and Clarification**

Dear Ms. Dortch:

Please find enclosed an original and four (4) copies of WorldCom's Opposition to UCC's Petition for Partial Reconsideration and Clarification. Please do not hesitate to contact me should you have any questions. Thank you.

Sincerely,

  
Dennis W. Guard

Attachment

cc: Gregg P. Skall, Womble Carlyle Sandridge Rice, PLLC

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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In re Applications of )  
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WorldCom, Inc. and its Subsidiaries, )  
Assignor )  
)  
AND )  
)  
WorldCom, Inc. and its Subsidiaries )  
As Debtor in Possession, )  
Assignee )  
)  
For Consent to Assign Commission )  
Licenses )  
\_\_\_\_\_)

WC Docket No. 02-215

**OPPOSITION OF WORLDCOM, INC.**  
**TO UNITED CHURCH OF CHRIST, INC. PETITION FOR PARTIAL**  
**RECONSIDERATION AND CLARIFICATION**

Pursuant to sections 1.106(g) and 1.4(h) of the Commission's Rules and Regulations,<sup>1</sup> WorldCom, Inc. ("WorldCom") hereby submits its Opposition to the Petition for Partial Reconsideration **and** Clarification ("Petition") filed by United Church of Christ, Inc. ("UCC") on January 3, 2003.

**I. BACKGROUND**

On July 21, 2002, WorldCom and substantially all of its active U.S. subsidiaries filed voluntary petitions for reorganization under Chapter 11 of the U.S. Bankruptcy

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<sup>1</sup> 47 C.F.R. §§ 1.106(g), 1.4(h).

Code with the Bankruptcy Court in the Southern District of New York.<sup>2</sup> As a result of WorldCom's Chapter 11 filing, its legal status changed to that of "debtor-in-possession." Consequently, WorldCom filed applications and notifications pursuant to sections 214 and 310(d) of the Communications Act of 1934, as amended ("Act")<sup>3</sup> seeking the Commission's approval of the involuntary *proforma* assignment of the licenses and authorizations held by WorldCom and its subsidiaries to WorldCom and those subsidiaries as debtors-in-possession.

Subsequently, on October 15, 2002, UCC filed an "informal objection" to WorldCom's applications.<sup>4</sup> Thereafter, on December 5, 2002, the Commission issued a Public Notice whereby it granted WorldCom's request and denied UCC's informal objection. The Commission cited three separate reasons for denying UCC's objection:

The assignment before us results merely in a change in the status in which the licensee holds its licenses – from WorldCom to WorldCom as Debtor-in-Possession. UCC acknowledges that 'the proposed transfer is but a mere formality – a shuffling of papers – that involves no real change of control or responsibility.' In addition, as the licensee is receiving no compensation as a result of the assignment, no deterrence interest would be served by denying the application. Also, the public will not be prejudiced by the change in status of the licensee. For these three reasons, this assignment application does not raise public interest concerns warranting a hearing.<sup>5</sup>

In response, UCC has filed its pleading, styled as a "petition for partial reconsideration or clarification," asking the Commission to adopt a supplemental order indicating it will

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<sup>2</sup> *In re Worldcom Inc.*, docketed under case # 02-13533.

<sup>3</sup> 47 U.S.C. §§ 214, 310(d).

<sup>4</sup> See *Informal Objection to Assignment Applications*, filed by the Office of Communication of the United Church of Christ, Inc. (Oct. 15, 2002) ("UCC Informal Objection").

<sup>5</sup> Public Notice, DA 02-3350, at 1 (rel. Dec. 5, 2002) ("December 5 Public Notice").

address the character issues raised in the Informal Objection “at the next procedurally available opportunity...”<sup>6</sup>

## **II. THE COMMISSION SHOULD REJECT UCC’S PETITION**

The Commission should deny UCC’s instant Petition for “Partial Reconsideration or Clarification.” First and foremost, UCC’s filing states nothing new beyond what was raised in the original Informal Objection, which in turn was denied by the Commission on multiple dispositive grounds. The Commission has long recognized that “[a] petition for reconsideration that simply reiterates arguments previously considered and rejected will be denied.”<sup>7</sup> Indeed, the Commission has previously found that “[r]econsideration is appropriate only where the petitioner either shows a material error or omission in the original order or raises additional facts not known or not existing until after the petitioner’s last opportunity to present such matters.”<sup>8</sup> UCC’s Petition on its face does not even attempt to make such a showing of new facts or changed circumstances. The simple fact is that UCC’s arguments were previously considered and disposed of by the Commission in the Public Notice. And, notwithstanding UCC’s Informal Objection, the Commission concluded that “grant of ... [WorldCom’s] applications will serve the public interest, convenience and necessity.”<sup>9</sup>

In addition, it is entirely unclear whether UCC’s pleading even presents a facially plausible case for reconsideration or clarification. In asking the Commission to

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<sup>6</sup> *UCC Petition at 1.*

<sup>7</sup> *In re Applications of Various Subsidiaries and Affiliates of Geotek Communications, Inc., Debtor-in-Possession, Assignors, And, Wilmington Trust Company or Hughes Electronics Corporation, Assignees, And, FCI 900, Inc., Assignee, for Consent to Assignment of 900 MHz Specialized Mobile Radio Licenses*, File Nos. 911830, 911831, 911832, 911833, DA 01-51, 16 FCC Rcd. 706, para. 6 (rel. Jan. 9, 2001).

<sup>8</sup> *Id.*

<sup>9</sup> *December 5 Public Notice at 1.*

“reconsider” its December 5<sup>th</sup> ruling, UCC’s Petition appears to *accept* the substance of the Commission’s reasoning and ultimate outcome. In fact, the petition expressly states – in accordance with the Commission’s own conclusion – that the “Informal Objection did not present the Commission an appropriate procedural context in which to review the potentially disqualifying character issues.”” Thus, even in UCC’s view, the FCC’s decision to grant WorldCom’s *proforma* assignments over UCC’s objections was entirely proper. In sum, it appears that the Commission has nothing to “reconsider” here.

Further, UCC’s assertion that the Commission must consider, *sua sponte*, “disqualifying allegations such as those raised by UCC against WorldCom” at the “next appropriate opportunity” is hardly compelling.” *Allegan*,<sup>12</sup> the lead case UCC cites for this proposition, lends little support. In *Allegan*, the Commission addressed the narrow issue of whether character qualifications of a *withdrawing* applicant should be considered in the context of settlement agreements for mutually exclusive broadcast applications. In the instant case, however, no settlement agreements are at issue, and the Commission has no applications “dismissed with prejudice” to consider. In any event, the *Allegan* holding certainly does not stand for the proposition that **the** Commission must *sua sponte* “deal with the disqualifying character issues raised against WorldCom” before it “takes action on any future non-ministerial application or request for authorization filed by Worldcom...”<sup>13</sup>

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<sup>10</sup> UCC Petition at 2.

<sup>11</sup> *Id.* at 3.

<sup>12</sup> *Allegan County Broadcasters, Inc.*, Memorandum Opinion and Order, BC Docket No. 20864, 83 FCC 2d 371 (rel. Dec. 12, 1980)(“*Allegan*”).

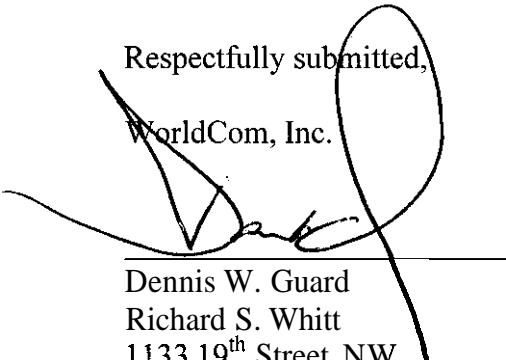
<sup>13</sup> UCC Petition at 3.

### **III. CONCLUSION**

Accordingly, for the above-stated reasons, WorldCom respectfully requests that UCC's petition be denied.

Respectfully submitted,

WorldCom, Inc.



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Dated: January 16, 2003